

While India's vibrant media remained the freest in South Asia in 2014, press freedom in the country was threatened by several factors, including a series of legal actions against journalists and editorial interference by media owners in the run-up to the May national elections. Continued violence against journalists, attempts at surveillance, and blocking of news channels, among other forms of censorship, were also issues of concern during the year.

Legal Environment

Although the constitution guarantees the freedoms of speech and expression, legal protections are not always sufficiently upheld by the courts or respected by government officials. A number of laws that remain on the books can be used to restrict media freedom. The sedition law, formally Section 124A of the 1860 penal code, outlaws expression that can cause "hatred or contempt, or excites or attempts to excite disaffection," toward the government. The 1923 Official Secrets Act empowers authorities to censor security-related articles and prosecute members of the press.

State and national authorities, along with the courts, have also punished sensitive reporting by using other security laws, criminal defamation legislation, bans on blasphemy and hate speech, and contempt-of-court charges. In September 2014, police in Assam arrested journalist Jaikhleng Brahma and accused him of having links with a faction of the National Democratic Front of Bodoland, a separatist group. Amnesty International reported that he was held without formal charges for several weeks under the National Security Act, but was released on bail in December. Journalist Sudhir Dhawale, who had been charged and jailed in 2011 under the Unlawful Activities Prevention Act (UAPA) and the sedition law due to allegations that he was supporting the Maoist insurgency, was acquitted on all charges in May 2014 and released after more than three years in prison.

In late 2013 the Sahara conglomerate brought a criminal defamation complaint against journalist Tamal Bandyopadhyay, then deputy managing editor of the business daily *Mint*, in connection with his book, *Sahara: The Untold Story*. The conglomerate sought \$32 million in damages. The case was withdrawn in April 2014 after the parties reached a settlement, and the court lifted a stay order on the book's publication. However, as part of the agreement, the book was required to carry a disclaimer stating that it contained defamatory content. Also in April, business magnate Mukesh Ambani of Reliance Industries Limited and his brother Anil Ambani of Reliance Anil Dhirubhai Ambani Group served defamation notices through their respective corporations to three journalists who wrote the book *Gas Wars: Crony Capitalism and the Ambanis*, which details alleged irregularities in the pricing of natural gas in the country. Despite the threat of legal repercussions, the journalists proceeded to publish and distribute the book themselves. In the period surrounding the May 2014 elections, authorities at the state and local level reportedly brought defamation charges against dozens of students and professors for criticizing or mocking incoming prime minister Narendra Modi in their campus publications.

Legal restrictions on and surveillance of internet content have been increasing in recent years. In April 2013, the government announced the launch of a new program, the Centralized Monitoring System, which for the first time would provide the government with centralized access to all communications data and content that travel through Indian telecommunications networks. The system would enable the government to listen to telephone calls in real time and read text messages, e-mail, and chat conversations. As noted by the Committee to Protect Journalists (CPJ), the new system, coupled with lengthy jail sentences for

failing to comply with a government decryption order, could be used against journalists who routinely rely on encryption and privacy to conduct their work. The system was reportedly not fully operational at the end of 2014.

In January 2014, news outlets reported that the government would be deploying an internet surveillance system known as NETRA, which would be capable of real-time keyword analysis on a range of internet communications, from public tweets to private e-mails, as well as Voice over Internet Protocol (VoIP) traffic on services like Skype and Google Talk. There was little public information about the project's status at year's end.

These surveillance efforts are the latest in a series of setbacks for media freedom online. Under the 2000 Information Technology Act (ITA), amended in 2008, the government has the authority to block content, even if it is not obscene, whenever it is the "national interest" to do so. Section 66A of the ITA criminalizes online information intended to cause "annoyance or inconvenience," among other loosely worded criteria, and arrests under the provision continued to occur in 2014, particularly in response to criticism of Modi on social media. However, a constitutional challenge of Section 66A was pending before the Supreme Court at the end of the year.

Rules introduced in 2011 under the ITA compel internet companies to remove objectionable content within 36 hours of receiving an official notice, and oblige cybercafés to install surveillance cameras and submit records of their users' online activity to the government. Google and Facebook reports have detailed the number of requests for user data that they receive from national governments, showing that India is among the top countries in terms of number of requests. In 2014 India filed the second-highest number of requests with Facebook, after the United States, and the fourth highest with Google. In addition, Facebook reported that it restricted access to over 10,000 pieces of information for India in 2014—the most for any country—largely under Indian laws prohibiting criticism of a religion or the state.

Implementation of the landmark Right to Information (RTI) Act of 2005 has been mixed, with the majority of requests blocked due to the law's broad categorical restrictions on the release of information. The RTI Act's success has also been hindered by an overall lack of awareness of the rights it guarantees, a large backlog of appeals and requests, and widespread inefficiency within state and local governing bodies. As of late 2014, India's six main national political parties still refused to comply with the law despite a June 2013 decision by the Central Information Commission holding that political parties fall under the RTI Act's provisions as "public authorities." In September, the Supreme Court recalled rules issued by the government in 2012 that had restricted membership on information commissions to retired judges and people with legal training.

While some state governments are making an effort to disseminate information about the RTI Act, especially in rural and isolated areas, others are employing various means to make requests more onerous. A number of activists who have attempted to use the act to uncover abuses, particularly official corruption, have been harassed or even killed in recent years. The Whistleblowers Protection Act was signed into law in May 2014, almost four years after it was first introduced, but analysts raised concerns about its limitations and enforceability. In December, media reports suggested that the government planned to amend the law to create exceptions protecting information related to national security.

The Press Council of India (PCI), an independent self-regulatory body for the print media that is composed of journalists, publishers, and politicians, investigates complaints of misconduct or irresponsible reporting, but does not have punitive powers. The regulatory framework for the rapidly expanding broadcast sector does not presently feature an independent agency that is free from political influence. The News Broadcasters' Association, an industry body that primarily represents the television sector, issued a new set of self-regulatory guidelines in 2009, covering topics including crime, violence, and national security in

the wake of the 2008 Mumbai terrorist attack. A series of scandals, including the 2012 arrests of two editors on charges of extortion, prompted media critics to call for greater regulatory curbs on unethical journalism in 2013. In May of that year, the parliamentary committee on information technology proposed establishing a statutory regulator for print and electronic media, but this had not occurred by the end of 2014.

Access to the profession of journalism is open in India. Media industry groups and local press freedom advocacy organizations generally operate without restrictions.

Political Environment

Politicized interference in editorial content and staffing decisions remained a concern in 2014, and it appeared to increase in the months surrounding the May national elections. In late May, Reliance Industries Limited, India's largest company, announced its acquisition of the media group Network 18, which includes a host of news outlets including CNN-IBN and CNBC TV18. Reliance's owner, Mukesh Ambani, has displayed intolerance toward critical journalism, and Network 18 staffers reported editorial interference with political coverage following the takeover. Even before the ownership change, however, Network 18 managers allegedly instructed journalists to provide favorable coverage of Modi during the election campaign. Analysts noted that in general, mainstream media tilted to the right amid widespread expectations that Modi's party would win the elections, and continued to do so after the voting. Meanwhile, critical journalists and commentators also faced pressure in the form of online harassment and threats from supporters of Modi, particularly on social media.

After taking office, the Modi government reportedly told senior officials to avoid media interviews and channel communications with the press through official spokespeople. Journalists complained that the new leadership relied on one-way formats—such as social-media posts and the prime minister's monthly radio program—to communicate with the public instead of granting access to the press.

Despite increasing diversity in the print and online media sectors, some outlets self-censor to avoid losing public-sector advertising purchases, which are a key source of revenue. Foreign journalists continue to have occasional difficulty obtaining visas to report from within the country, particularly if their prior reporting has been critical of the national or state governments.

Journalists faced physical violence and intimidation while gathering news or in reprisal for their reporting in 2014, though there were apparently fewer incidents than in 2013. CPJ found that two journalists were killed in connection with their work during the year. In May, assailants fatally stabbed journalist Tarun Kumar Acharya, apparently in connection with his reporting on child labor practices at a local cashew processing plant in Odisha. In November, Andhra Pradesh-based journalist MVN Shankar died from a severe beating he received after reporting on the operations of black marketeers in the region.

Among other, nonfatal attacks in 2014, a journalist was gang-raped while on assignment in Uttar Pradesh in March. In April, unidentified assailants hurled a Molotov cocktail at the home of investigative journalist Devinder Pal in Punjab following his critical reporting in the lead-up to elections in the state. In May, at least four journalists were assaulted outside the home of a high-ranking political leader in Tamil Nadu while covering news of his possible resignation. Such violence is encouraged by a prevailing climate of impunity, with most past murders remaining unsolved and other acts of violence going unpunished.

Members of the press are particularly vulnerable in rural areas and insurgency-racked states such as Chhattisgarh, Jammu and Kashmir, Assam, and Manipur, where they continue to face physical violence,

harassment, and censorship from the government or militant groups seeking to slant coverage in a certain way.

Economic Environment

India is one of the few countries in the world where print media remain a vibrant and financially sustainable growth industry, and there are rising numbers of print and broadcast outlets that cater to national or various regional or linguistic audiences. Most print outlets, particularly in the national and English-language press, are privately owned, provide diverse coverage, and frequently scrutinize the government. The low cost of newspapers—which are sold at prices far below the cost of production—ensures wider access to print media than in most low-income countries. The broadcast media are predominantly in private hands, and diversity in the television sector has expanded dramatically. India is home to more than 90,000 print publications and more than 700 television channels, with a significant proportion focused on news and current events.

Despite these favorable features, the ownership structure of India's media market continues to compromise objectivity in both print and broadcast journalism. India's state-controlled television station, Doordarshan, has been accused of manipulating the news to favor the government, and some private satellite television channels provide coverage that reflects the political affiliations of their owners. There is evidence that political influence in media ownership is systemic in India. According to a 2012 report by the *Business Standard*, local politicians own an estimated 60 percent of the country's cable distribution systems. CPJ has documented cases in which this has enabled politicians to block television channels for broadcasting news that adversely affected their interests. The state retains a monopoly on AM radio broadcasting, and private FM radio stations are not allowed to air news content. Under a 2006 policy that provided guidelines for the ownership and operation of community radio stations by civil society groups, there has been a modest increase in the number of small nonprofit outlets. As of late 2014, there were over 170 community radio stations in India.

Access to foreign media, with the exception of some outlets based in Pakistan, is generally unrestricted. However, authorities sometimes block distribution of certain foreign print editions due to content such as maps of the disputed Kashmir region. In recent years, intelligence agencies have also objected to broadcasts from neighboring countries that contain "anti-India" content, and the government has attempted to block service providers from carrying them and increase the penalties for doing so. Some impediments to production and distribution of domestic media, such as blockades of newspapers or official instructions not to carry certain cable channels, also occasionally arise. In June 2014, the privately owned Telugu-language news channels TV9 and ABN Andhra Jyothy were blocked by cable providers in the newly created state of Telangana following critical political coverage. TV9 resumed broadcasting in November after securing a favorable order from a telecommunications disputes tribunal, but ABN Andhra Jyothy was still off the air at the end of 2014.

Some 18 percent of India's population had access to the internet in 2014. Mobile telephones are increasingly used to gather and disseminate news and information, particularly in rural communities and areas with high rates of illiteracy. However, the government retains the power to obstruct online and mobile communications. In February, authorities in Jammu and Kashmir ordered a partial block on mobile internet services for a day, after a local group proposed a strike commemorating the 2013 execution of Mohammad Afzal Guru, who was convicted of involvement in a 2001 terrorist attack on India's Parliament.

National and state governments have used financial means, such as advertising purchases, to reward or punish news outlets for their coverage. Other concerns include bribery of journalists or editors by

government or private interests, as well as the erosion of barriers between the editorial and advertising departments at many outlets, sometimes through the use of “private treaties” with major companies. Despite investigations by India’s election commissioner and the PCI, the practice of “cash for coverage”—in which payments are made to secure favorable reporting on candidates and parties, particularly during election cycles—remains deeply entrenched.